

JS- 6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LUZ ADRIANA VEGA, an individual, on behalf of herself and all similarly situated aggrieved employees,

Plaintiff,

V.

P.F. CHANG'S III, LLC dba P.F. CHANG'S, an Arizona limited liability company; P.F. CHANG'S CHINA BISTRO, INC., an Arizona corporation; and DOES 1 through 100, inclusive.

Defendants.

Case No. 8:24-cv-00453 DOC (DFMx)

**ORDER TO FILE SECOND
AMENDED COMPLAINT AND
REMAND ACTION TO STATE
COURT**

Place: Courtroom 10A

Complaint Filed: October 30, 2023

Trial Date: None
District Judge: Hon. David O. Carter
Courtroom 10A, Santa Ana

Magistrate Judge: Hon. Douglas F.
McCormick
Courtroom 6B, Santa
Ana

ORDER

By stipulation and agreement of Plaintiff Luz Adrana Vega (“Plaintiff”) and Defendants P.F. Chang’s III, LLC and P.F. Chang’s China Bistro, Inc., and for good cause shown, the Court hereby GRANTS the Parties’ Joint Stipulation to File Second Amended Complaint and Remand Action to State Court, and ORDERS as follows:

1. The Second Amended Complaint attached to the parties' Joint Stipulation to File Second Amended Complaint and Remand Action to State Court as Exhibit A will be accepted for filing and deemed filed as of the date the Court enters this order.

2. Once the Second Amended Complaint is deemed filed, the Court will remand this action to the Superior Court, County of Orange.

2. Upon remand, Plaintiff shall pursue only (i) her individual claims for unpaid wages and statutory penalties, and (ii) her PAGA claims arising from (a) violations of the California Labor Code actually sustained by plaintiff and (b) those arising from violations of the California Labor Code sustained by other employees.

3. Upon remand, Plaintiff's action in the Superior Court of California, County of Orange, will be stayed while Plaintiff pursues in arbitration (i) her individual claims for unpaid wages and statutory penalties, and (ii) her PAGA claims arising from violations of the California Labor Code actually sustained by plaintiff.

5. The Parties will file this Stipulation in the Superior Court, and they stipulate and agree it will be binding in the Superior Court action.

6. If Plaintiff does not comply with the Stipulation and attempts to pursue class relief, Plaintiff waives her right to contest any subsequent removal. If Plaintiff does not comply with the Stipulation and attempts to pursue in court, rather than in arbitration, either (i) her individual claims for unpaid wages and statutory penalties, and/or (ii) her PAGA claims arising from violations of the California Labor Code

1 actually sustained by plaintiff, Plaintiff waives the right to contest Defendants'
2 motion to compel arbitration of those claims. If Plaintiff does not comply with the
3 Stipulation and attempts to pursue in court before the arbitration between the Parties
4 has concluded her PAGA claims arising from violations of the California Labor
5 Code sustained by other employees, Plaintiff waives her right to contest a motion by
6 Defendants to stay those claims.

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8 Date: April 12, 2024

David O. Carter

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10 United States District Judge
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